

Appl. No. : 09/312,028  
Filed : May 14, 1999

RECEIVED

OCT 17 2001

Technology Center 2100

One embodiment relates to a system and associated method for effecting funds transfers between two parties through an electronic transaction system. See Spec. pg. 6, lns. 2-18. In accordance with the embodiment, a *risk management assessment* is performed for parties *on each side of the transaction* including the payee and the payer. See Spec. pg. 6, lns. 14-16, pg. 10, lns. 14-17. Thus, payers and payees receive the benefit of a risk assessment process. See Spec. pg. 10, lns. 24-26.

#### Discussion of the Cited Art

Stein discloses a payment system for enabling a first Internet user to make a payment to a second Internet user, typically for the purchase of an information product deliverable over the Internet. Stein does not disclose performing a risk management assessment.

Deming discloses an electronic funds transfer system that assures that funds to be electronically transferred are actually present before attempting a transfer. Deming does not disclose performing a risk management assessment. In Deming, by assuring or guaranteeing that funds are available to cover a transaction, all risk is avoided. Accordingly, the system of Deming does not have any need to perform and does not disclose performing a risk management assessment.

Huberman discloses a system and method enabling the auctioning of document services. Huberman does not disclose effecting funds transfers between parties or performing a risk management assessment.

As none of the cited references disclose performing a risk management assessment, it follows that none of these references can disclose *performing a risk management assessment for parties on each side of a transaction*.

#### Response to Rejections

Applicants will treat all of the cited references as prior art for purposes of responding to the outstanding Office Action, but reserve the right to swear behind one or more references at a later date. By focusing on specific references, claims and limitations, Applicant does not intend to imply an agreement with the Examiner's assertions with respect to other references, claims, and limitations.

Appl. No. : 09/312,028  
Filed : May 14, 1999

### **As to Independent Claims 1 and 31**

Independent Claim 1 requires "performing risk management assessments for parties on each side of said transaction." Independent Claim 31 requires "a risk management assessment system configured to (1) perform a risk assessment of parties on each side of said transaction." The Examiner rejected Claims 1 and 31 under 35 U.S.C. 103(a) as being unpatentable over Stein in view of Deming. The Examiner makes no argument, however, that these references, either alone or in combination, disclose *all* the aforementioned limitations of each of Claims 1 and 31.

The Examiner does take the position that Deming discloses the concept of performing a risk management assessment. Applicants respectfully disagree with the Examiner's position and kindly request that the Examiner reconsider the teachings of Deming.

Deming discloses an electronic funds transfer system that assures that funds to be electronically transferred from a payor to a payee are actually present to be transferred. In order to verify that sufficient funds are present, Deming performs an EFT transfer from the payor directly back to the payor's own account for the amount at issue. No change in balance of the payor's account results from the transaction. If this transaction is successful, the payor has sufficient funds to cover an actual EFT transfer from the payor to the payee. By assuring or guaranteeing that funds are available to cover a transaction, all risk is avoided. Accordingly, the system of Deming does not have any need to perform and does not disclose performing a risk management assessment.

Furthermore, Deming only discloses confirming the presence of sufficient funds in the payor's account, without performing any check on the payee's account. Clearly, Deming cannot disclose a "performing risk management assessments for parties *on each side of said transaction*" or "a risk management assessment system configured to (1) perform a risk assessment of parties *on each side of said transaction*."

As the references cited by the Examiner do not disclose the aforementioned limitations of each of Claims 1 and 31, Applicants respectfully request that the Examiner's rejection of Claims 1 and 31 be withdrawn.

Appl. No. : 09/312,028  
Filed : May 14, 1999

**As to Dependent Claims 2-30 and 32-44**

Dependent Claims 2-30 depend upon Claim 1, and for at least the reasons set forth above with respect to Claim 1, should also be allowable.

Dependent Claims 32-44 depend upon Claim 31, and for at least the reasons set forth above with respect to Claim 31, should also be allowable.

CONCLUSION


In view of the foregoing remarks, Applicant submits that the application is in condition for allowance. If, however, issues remain which can potentially be resolved by telephone, the Examiner is invited to call the undersigned attorney of record at his direct dial number of (949) 721-6377.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10/5/01

By:   
Alexander Franco  
Registration No. 45,753  
Attorney of Record  
620 Newport Center Drive  
Sixteenth Floor  
Newport Beach, CA 92660